



Littler Mendelson, P.C.
900 Third Avenue
New York, NY 10022.3298

August ¹¹~~10~~, 2009

Stephen A. Fuchs
212.497.6845 direct
212.583.9600 main
347.287.6843 fax
sfuchs@littler.com

VIA HAND DELIVERY

Hon. Gerard E. Lynch
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 910
New York, NY 10007

Re: *Damassia et al. v. Duane Reade Inc.*
Civil Action No. 04-08819 (GEL)
Chowdhury v. Duane Reade Inc. et al.
Civil Action No. 06-02295 (GEL)

Dear Judge Lynch:

This firm represents Defendants in these actions. We are pleased to report to the Court that the settlement payment in these matters has been deposited into the escrow account created by the Court appointed Claims Administrator.

We write because the settlement was guaranteed by an Irrevocable Standby Letter of Credit, to which the Clerk of Court was the beneficiary. This Letter of Credit should now be canceled as soon as possible.

Defendants request that the Court enter an Order instructing the Clerk, as the beneficiary of the Letter of Credit, to issue correspondence instructing the financial institution which issued the Letter of Credit to cancel it. Attached are the following submissions in support of this application:

1. Declaration of Stephen A. Fuchs, with exhibits annexed thereto;
 2. Affidavit of Jason Zuena of Garden City Group, annexed to the Fuchs Declaration as Exhibit A.;
 3. Proposed Order Directing that Letter of Credit be Canceled, annexed to the Fuchs Declaration as Exhibit B;
 4. A copy of the Letter of Credit, a confidential document filed separately under seal;
- and

Hon. Gerard E. Lynch
August 10, 2009
Page 2

5. A Form of letter to be executed by the Clerk of Court, annexed to the Proposed Order as Exhibit 1. For the convenience of the Court and the Clerk, a CD-Rom containing a copy of this letter in Microsoft Word format is also enclosed herewith.

Defendants respectfully request that the Court enter the Proposed Order directing that the Letter of Credit be canceled, and that the Clerk issue correspondence instructing the issuing financial institution to cancel the Letter of Credit.

Defendants thank the Court for its attention and courtesy in this regard.

Respectfully submitted,



Stephen A. Fuchs

cc: Clerk of Court (w/encs.)
Craig R. Benson, Esq.
Gerald T. Hathaway, Esq.
Linda A. Neilan, Esq. (w/encs.)
Fran Rudich, Esq.

Firmwide:86215622.1 049444.1005